



U. S. DEPARTMENT OF JUSTICE

*United States Attorney's Office  
Southern District of West Virginia*

300 Virginia Street east, Room 4000  
Charleston, West Virginia 25301  
304-345-2200

**FILED**

**OCT 17 2022**

U.S. DISTRICT COURT-WVND  
CLARKSBURG, WV 26301

August 15, 2022

L. Richard Walker, Esq.  
Federal Public Defender's Office  
230 West Pike Street, Suite 360  
Clarksburg, WV 26301  
By email: [Richard\\_Walker@fd.org](mailto:Richard_Walker@fd.org)

Re: *United States v. Billy Moore*, 1:21cr19  
*United States v. Billy Moore*, \_\_\_\_\_

1:22cr53

Dear Mr. Walker:

The purpose of this letter is to extend to your client, Billy Moore (hereinafter referred to as "the Defendant"), the following plea offer:


All references to the "Guidelines" refer to the guidelines established by the United States Sentencing Commission, effective November 1, 1987, as amended, which are advisory to the Court.

It is agreed between the United States and the Defendant as follows:

**1. Plea:**

A. The Defendant will plead guilty to a single-count Information to be filed in the United States District Court for the Northern District of West Virginia which charges him with the offense of Resisting and Impeding a Correctional Officer Without Physical Contact, in violation of Title 18, United States Code, Section 111(a)(1) (copy of which is attached hereto as "Plea Agreement Exhibit A."). Following final disposition, the United States will move to dismiss the Indictment against the Defendant that charges a violation of Title 18, United States Code, Section 111(a)(1) (Assault of a Correctional Officer Involving Physical Contact.)

B. The maximum penalty for the offense to which the Defendant is exposed by virtue of his plea of guilty to the single-count Information as stated in paragraph 1.A. above, would be imprisonment for a period of not more than one (1) year, a fine of not more than \$100,000.00, or both, not more than one (1) year supervised release, and a mandatory special assessment of \$25.00

  
\_\_\_\_\_  
Billy Moore,  
Defendant

8-16-2022  
Date

  
\_\_\_\_\_  
L. Richard Walker, Esq.  
Counsel for the Defendant

8-16-2022  
Date

L. Richard Walker, Esq.  
August 15, 2022  
Page 2

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(18 U.S.C. § 3013), which must be paid before the date of sentencing by money order or certified check made payable to the United States District Court. It is also understood that the Defendant might be required by the Court to pay the costs of his incarceration.

**2. Sentencing:**

**A. Recommended Sentence:**

1. The United States and the Defendant agree under Federal Rule of Criminal Procedure 11(c)(1)(C) that the appropriate sentence in this case is one year incarceration for the single-count Information. Further, the parties agree to recommend that the sentence run consecutive to any sentence the Defendant is currently serving or which has been previously imposed. The court will also impose the mandatory Special Assessment of \$25.00. No fine is recommended because the Defendant does not have the financial ability to pay a fine. The parties also recommend that no additional supervised release be imposed.

2. The recommended sentence is considered by the government to be adequate under the circumstances of this case to provide a reasonable sentence for the Defendant's crime while disposing of the case without the expenditure of significant judicial or prosecutorial resources.

**B. Sentencing Procedure:**

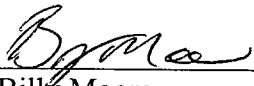
1. The parties waive the right to have a full presentence investigation made prior to sentencing and request that the court impose the sentences immediately upon the acceptance of the guilty plea.

2. Acknowledging that it is the court's responsibility to determine whether the agreed sentences are reasonable sentences after considering the circumstances of the case and the background of the Defendant, the United States Attorney's Office and counsel for the Defendant agree to cooperate with any preliminary investigation the court may cause to be made prior to the plea hearing.

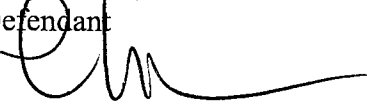
**3. Waivers:**

A. Upon the condition that the court accepts this agreement and imposes the recommended sentence, the United States and the Defendant waive the right to appeal the sentence, or to appeal any other issue in this case, on any ground whatsoever.

B. Upon the condition that the court accepts this agreement and imposes the recommended sentence, the Defendant waives his right to challenge his sentence or the manner in which it was determined by collateral attack, including but not limited to, by a motion brought under 28 U.S.C. § 2255 (habeas corpus).

  
\_\_\_\_\_  
Billy Moore,  
Defendant

8-16-2022  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
L. Richard Walker, Esq.  
Counsel for the Defendant

8-16-2022  
\_\_\_\_\_  
Date

L. Richard Walker, Esq.  
August 15, 2022  
Page 3

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**4. Other Charges:**

A. In exchange for this plea of guilty, the United States agrees not to pursue any other charge(s) against the Defendant related to his conduct on or about March 4, 2021.

**5. Other Matters:**


A. The above four (4) paragraphs constitute the entire agreement between the Defendant and the United States of America in this matter. There are no agreements, understandings or promises between the parties other than those contained in this agreement.

B. The Defendant was not debriefed as a part of this plea agreement. Further, he did not provide any information or any substantial assistance to the government in this case or any other case. Therefore, the United States will not make a § 5K1.1 "substantial assistance to the government" motion for this defendant. Likewise, the United States will not make any motions pursuant to Federal Rule of Criminal Procedure 35 for this defendant. The government will not recommend any downward departure or variance below the consecutive statutory sentence as stated in Paragraph 2.A.1 on Page 2 of the plea agreement.


Very truly yours,

William S. Thompson  
United States Attorney for the  
Southern District of West Virginia  
Acting Under Authority Conferred by  
28 U.S.C. § 515

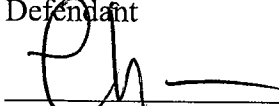
By: \_\_\_\_\_

  
John J. Frail  
Assistant United States Attorney for the  
Southern District of West Virginia  
Acting Under Authority Conferred by  
28 U.S.C. § 515

As evidenced by my signature at the bottom of the three (3) pages of this letter agreement, I have read and understand the provisions of each paragraph herein and, hereby, fully approve of each provision.

  
Billy Moore,  
Defendant

8-16-2022  
Date

  
L. Richard Walker, Esq.  
Counsel for the Defendant

8-16-2022  
Date

IN UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

v.

BILLY MOORE,

Defendant.

Criminal No. \_\_\_\_\_

Violations: 18 U.S.C. § 111(a)(1)

INFORMATION

The United States Attorney for the Southern District of West Virginia Acting Under Authority Conferred by 28 U.S.C. § 515 charges that:

On or about March 4, 2021, in Preston County, in the Northern District of West Virginia, defendant **BILLY MOORE**, an inmate in the custody of the Bureau of Prisons at USP Hazelton, did intentionally and forcibly resist and impede, without making physical contact, any person designated in Section 1114 of Title 18 of the United States Code, namely Z.W., a federal correctional officer employed with the Federal Bureau of Prisons, while said officer was engaged in the performance of official duties, in violation of Title 18, United States Code, Section 111(a)(1).

WILLIAM S. THOMPSON,  
United States Attorney for the  
Southern District of West Virginia  
Acting Under Authority Conferred by  
28 U.S.C. § 515

By: \_\_\_\_\_

JOHN J. FRAIL  
Assistant United States Attorney for the  
Southern District of West Virginia  
Acting Under Authority Conferred by  
28 U.S.C. § 515

“Plea Agreement Exhibit A”